

NOV 09 2006

BEFORE THE UNITED STATES PATENTS
AND TRADEMARKS OFFICE

Inventor: Stephen Fitzgerald et al
Serial No: 10/672,060
Filed: September 29, 2003
Title: TUBULAR BASEBALL BATS WITH VARIABLE
BARRELS
Confirm. No.: 4727
Art Unit: 3711
Our File: CECOM-04.US (2043-3-04-10)

November 9, 2006
By fax only: 571-273-8300

Mail Stop Amendment
The Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sirs:

Response after Final Office Action

This letter is in Response to the Examiner's Final Office Action of July 14, 2006. A petition for a one month extension of time is being filed along with this Response.

Please accept the Request for Continued Examination that is filed herewith.

Examiner Telephone Interview

On Tuesday, November 7, 2006 the undersigned Applicants' attorney phoned the Examiner and indicated that the Applicants would be filing an RCE. The attorney also asked whether the Examiner was going to persist in stipulating that Claims 53-71 were not directed to the elected embodiment associated with Figure 6. The Examiner replied that if those

BEST AVAILABLE COPY